

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF CASH BONDS	)	
ON CASES NOT FILED BY THE	)	ADMINISTRATIVE
ORDER CHARGING PROSECUTOR	)	NO. 2002-038
_____	)	

**WHEREAS**, under Maricopa County Administrative Order 2000-70, the Court consolidates in regional centers all front-end felony criminal case processing involving preliminary hearings, arraignments, changes of pleas and early disposition proceedings; and,

**WHEREAS**, under Maricopa County Administrative Order 2002-29, the Court allows the filing of felony complaints directly into the Superior Court thereby eliminating the processing of felony complaints by the county's Justice Courts; and,

**WHEREAS**, the Clerk of Superior Court's Financial Services Division is responsible for cash bonds filed after the implementation of the direct filing of felony complaints into the Superior Court; and,

**WHEREAS**, the Clerk of Superior Court's Financial Services Division is responsible for the release and disbursement of posted cash bonds on matters where the prosecutor (Maricopa County Attorney's Office or the State of Arizona Attorney General's Office) chooses not to file charges, within the 48 hours specified in Rule 4.1 (b), Ariz. R. Crim. Pro.

**IT IS ORDERED** as follows:

1. The prosecutor will distribute each business day to the Clerk of the Superior Court, Associate Clerk of Financial Services, a list of individuals: a) for whom bonds have been posted, and b) whose cases the prosecutor has declined to file complaints within the Rule 4.1 (b), Ariz. R. Crim. Pro. time period.
2. The Court presumptively finds that whenever the prosecutor declines to file a complaint within the Rule 4.1 (b) Ariz. R. Crim. Pro. time period on a case upon which a cash bond has been posted: a) it has no further need for the appearance bond, b) the bond is deemed exonerated, and c) the deposited cash security shall be returned to the party who originally posted it.

3. The Financial Services Division staff shall rely upon information on each day's list, a) to record the exoneration of the bond, and b) to effect the release of the deposited security under Rule 7.6 (d) (1). Ariz. R. Crim. Pro.
4. The Financial Services' Division shall mail, via first class mail, to the person who originally posted the bond on the case, a check for the deposited security.
5. The Financial Services Division shall begin this process without necessary changes to its existing Trust database, and shall endeavor to make necessary modifications to the Trust database to ensure the most accurate method of tracking, monitoring and releasing of paid bonds.
6. The Superior Court Administrator shall disseminate specific policy directives and procedures conforming to the operation of this administrative order.

Dated this 14<sup>th</sup> day of June, 2002

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Hon. Colin F. Campbell, Presiding Judge  
Superior Court of Arizona in Maricopa County

Original: Clerk of the Superior Court

Copies: Hon. Thomas O'Toole, Criminal Presiding Judge  
Hon. Michael K. Jeanes, Clerk of the Superior Court  
Hon. Richard M. Romley, County Attorney  
Hon. Joseph M. Arpaio, County Sheriff  
Hon. M. Jean Hoag, Presiding Judge, Southeast Court Facility  
James Haas, Public Defender  
Robert S. Briney, Legal Defender  
Mark Kennedy, Office of Court Appointed Counsel  
Gordon Mulleneaux, Associate Clerk, Financial Services  
Carol Schreiber, Associate Clerk, Customer Services  
Gordon M. Griller, Court Administrator  
Marcus W. Reinkensmeyer, Chief Deputy Court Administrator  
Peter C. Kiefer, Criminal Court Administrator  
Arizona Attorney General's Office